

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael Snyder et al.

Application No.: 10/821,745

Filed: April 9, 2004

For: SUSTAINED RELEASE SURGICAL DEVICE AND METHOD OF MAKING AND USING  
THE SAME

Group No.:1611

Examiner: Ghali, Isis A D

Conf. No. 1863

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 41.31)

Patent Owner hereby appeals to the Board from the decision of the Examiner, mailed November 7, 2008, finally rejecting claims 11 and 21-24.

1. STATUS OF APPLICANT

This application is on behalf of a small entity.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for the Notice of Appeal is:

Small entity \$270.00

Notice of Appeal fee due \$270.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

CERTIFICATION OF TRANSMISSION

I hereby certify that, on the date shown below, this correspondence is being filed via EFS at USPTO.GOV:

Date:

1-6-09

Signature

Shelley L. Erla  
(type or print name of person certifying)

4. **TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee

\$270.00

**TOTAL FEE DUE**

**\$270.00**

5. **FEE PAYMENT**


Authorization is hereby made to charge the amount of \$270.00 to Deposit Account No. 50-1097.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

6. **FEE DEFICIENCY**

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1097.

Date: Jan 6, 2009

  
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